

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA INC., et al.,

Defendant.

No. C10-1823-JLR

(PROPOSED) ORDER DENYING
MOTOROLA'S "MOTION FOR
PARTIAL SUMMARY JUDGMENT
DISMISSING MICROSOFT'S CLAIM
FOR A RAND PATENT LICENSE
AGREEMENT TO BE DETERMINED
AB INITIO BY THE COURT"

Noted: Friday, August 10, 2012

MOTOROLA MOBILITY, INC., et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

(PROPOSED) ORDER DENYING MOTOROLA'S C10-1823
"MOTION FOR PARTIAL SUMMARY
JUDGMENT DISMISSING MICROSOFT'S
CLAIM FOR A RAND PATENT LICENSE
AGREEMENT TO BE DETERMINED *AB INITIO*
BY THE COURT"

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1 This matter came before the Court on Motorola's "Motion for Partial Summary
2 Judgment Dismissing Microsoft's Claim for a Rand Patent License Agreement to be
3 Determined *Ab Initio* By the Court" (the "Motion").

4 The Court has considered the following pleadings:

5 1. Defendant Motorola's "Motion for Partial Summary Judgment Dismissing
6 Microsoft's Claim for a RAND Patent License Agreement to be Determined *Ab Initio* By the
7 Court";

8 2. Declaration of Kevin Post in Support of Defendant Motorola's "Motion for
9 Partial Summary Judgment Dismissing Microsoft's Claim for a RAND Patent License
10 Agreement to be Determined *Ab Initio* By the Court", and the exhibits thereto;

11 3. Defendant Motorola's Proposed Order Granting "Motion for Partial Summary
12 Judgment Dismissing Microsoft's Claim for a RAND Patent License Agreement to be
13 Determined *Ab Initio* By the Court";

14 4. Microsoft's Opposition to Motorola's "Motion for Partial Summary Judgment
15 Dismissing Microsoft's Claim for a RAND Patent License Agreement to be Determined *Ab*
16 *Initio* By the Court";

17 5. Declaration of Christopher Wion in Support of Microsoft's Opposition to
18 Motorola's "Motion for Partial Summary Judgment Dismissing Microsoft's Claim for a RAND
19 Patent License Agreement to be Determined *Ab Initio* By the Court", and the exhibits thereto;

20 6.

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22 8.

23 The Court therefore deems itself fully advised. Now, therefore,
24

IT IS ORDERED that Motorola's "Motion for Partial Summary Judgment Dismissing Microsoft's Claim for a RAND Patent License Agreement to be Determined *Ab Initio* By the Court" is DENIED.

DONE IN OPEN COURT this __ day of _____, 2012.

HONORABLE JAMES L. ROBART

Presented by:

CALFO HARRIGAN LEYH & EAKES LLP

By /s/ Arthur W. Harrigan, Jr.

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CERTIFICATE OF SERVICE

I, Linda Bledsoe, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.

2. On the 6th day of August, 2012, I caused the preceding document to be served on counsel of record in the following manner:

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5 DATED this 6th day of August, 2012.

7 s/ Linda Bledsoe

8 LINDA BLEDSOE

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